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July 30, 2020

VIA ECF

Hon. Laura T. Swain
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

MEMO ENDORSED

**RE: *Victor Lopez v. Timberland LLC*
Case No. 19-cv-11769-LTS-OTW
Second Unopposed Letter Motion to Stay Case**

Dear Judge Swain:

As you know, I represent Defendant, VF Outdoor, LLC (“VF Outdoor”), in this case. I write with the consent of Plaintiff’s counsel to request a further stay of all proceedings in this case. This request is made to permit the Court and the parties to benefit from forthcoming rulings in multiple appeals pending before the Second Circuit.

As background, the above-captioned case is before the Court along with two related matters (*Lopez v. Vans, Inc.*, Case No. 1:19-cv-11809-LTS-OTW and *Lopez v. VF Outdoor, LLC d/b/a The North Face*, Case No. 1:19-cv-11768-LTS-OTW) in which Plaintiff asserts that VF Outdoor has violated the Americans with Disabilities Act, the New York State Human Rights Law, and the New York City Human Rights Law with respect to the gift cards associated with its the North Face, Timberland, and Vans brands. Pursuant to a prior ruling of the Court, this case is currently stayed until August 4, 2020.

The parties now seek an extension of the stay because the legal issues raised in this action are substantively the same as those raised in *Mendez v. Ann Taylor, Inc.*, Case No. 20-1550, which is currently on appeal before the Second Circuit. The *Mendez* case involves six (6) separate Americans with Disabilities Act cases with similar facts regarding gift cards offered by multiple companies that were consolidated on appeal because the rationale utilized by the District Court in all six cases was based on the original opinion of the District Court in *Dominguez v. Banana Republic, LLC*, -- F.Supp.3d --, 2020 WL 1950496 (S.D.N.Y., Apr. 23, 2020) (Woods, J.). The *Mendez* plaintiffs filed their appellate brief on July 20, 2020, and the appeal is proceeding on an expedited schedule.

A stay in the instant case favors judicial economy, in that it will allow the Court and the parties to benefit from consideration of the same legal issues to be presented to and ultimately

decided by the Second Circuit. A stay also allows the parties and the Court to conserve resources by avoiding potentially unnecessary briefing at a time when both Court staff and counsel are working under many unusual constraints necessitated by the COVID-19 pandemic.

For these reasons, the parties respectfully request that the Court enter a stay in this case for an additional ninety (90) days. If the Second Circuit has not reached a decision by November 4, 2020, the parties will reassess whether the stay should continue and will file a status report updating the Court accordingly.

The requested extension of the stay is granted.

DE# 18 resolved.

SO ORDERED.

7/30/2020

/s/ Laura Taylor Swain, USDJ

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'E. Abbot', is written over a horizontal line.

Edward P. Abbot, Esq.

HAWKINS PARNELL & YOUNG, LLP

cc: Bradley Gurion Marks, Esq. (via ECF)